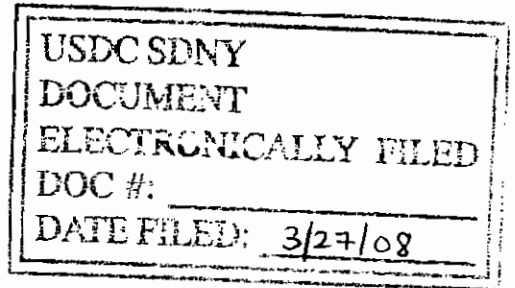


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
STANLEY JACKSON,

Plaintiff,

-v-

WILLIAM PHILLIPS, Superintendent,
Greenhaven Correctional Facility,
Defendant.
----- X

03 CIV. 6987 (DLC)

MEMORANDUM
OPINION & ORDER

DENISE COTE, District Judge:

On September 10, 2003, Stanley Jackson ("Jackson") filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his conviction at trial in 1998. In an Opinion and Order dated October 10, 2006, Jackson's petition was denied. On March 17, 2008, this Court's Pro Se Office received from Jackson a motion for reconsideration pursuant to Fed. R. Civ. P. 60(b). In this motion, Jackson attacks his conviction but not the habeas proceeding before this Court.

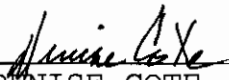
When faced with a Rule 60(b) motion that attacks a movant's underlying conviction and not the integrity of the federal habeas proceeding, a district court may deny the motion as beyond the scope of Rule 60(b). Alternatively, the court may give the movant an opportunity to withdraw the motion before treating it as a second habeas petition

and transferring it to the Court of Appeals as a successive habeas petition. See Harris v. United States, 367 F.3d 74, 82 (2d Cir. 2004). Accordingly, it is hereby

ORDERED that Jackson's Rule 60(b) motion is denied.

SO ORDERED:

Dated: New York, New York
March 27, 2008



DENISE COTE
United States District Judge

COPIES SENT TO:

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